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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Gonzalez et al.

Group Art Unit: 2815

Examiner: Richards

Serial No. 09/144,162

Filed: September 1, 1998

SEMICONDUCTOR RAISED
SOURCE-DRAIN STRUCTURE

DECLARATION UNDER 37 C.F.R. § 1.131

Commissioner for Patents
Washington, D.C. 20231

Dear Commissioner:

We, Fernando Gonzalez and Chandra Mouli, declare as follows:

1. We are coinventors of all the claims of the above-identified patent application ("the subject application").
2. We are employed by Micron Technology Inc. ("Micron"), the assignee of the subject application.
3. All acts relied upon in establishing a date of invention prior to the March 2, 1998 reference date and reduction to practice were carried out in the United States of America.
4. Prior to March 2, 1998, we conceived the idea of utilizing air gaps with pocket junctions in a semiconductor raised source-drain structure.

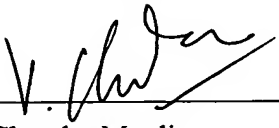
5. Prior to March 2, 1998, we prepared an invention disclosure form and attachments (“invention disclosure”) that contains written descriptions and diagrams of the claimed invention (a copy of the invention disclosure is attached hereto as Exhibit A with dates redacted).
6. Prior to March 2, 1998, we signed and submitted the invention disclosure to Micron’s legal department (a copy of Micron’s Patent Docket Records related to the invention disclosure is attached hereto as Exhibit B with dates redacted).
7. Prior to March 2, 1998, Micron’s legal department submitted the invention disclosure to Micron’s patent committee (see Exhibit B with dates redacted).
8. Prior to March 2, 1998, Micron’s patent committee began a review process regarding the invention disclosure (see Exhibit B with dates redacted).
9. On March 16, 1998, we were informed by an email sent to us by a representative of Micron’s legal department (a copy of this email is attached hereto as Exhibit C) that the patent committee had recommended filing the invention disclosure in a United States patent application.
10. On March 16, 1998, a letter (a copy of this letter is attached hereto as Exhibit D), enclosing the invention disclosure, was mailed by Micron’s legal department to Kirkpatrick and Lockhart LLP, Micron’s outside legal counsel (“outside counsel”), directing outside counsel to prepare and file a United States patent application based on the invention disclosure (invention disclosure cited as #97-1379 in letter of Exhibit D).

11. Outside counsel acknowledged receipt of the invention disclosure in a letter dated March 23, 1998 (a copy of this letter is attached hereto as Exhibit E) to Mr. Gonzalez (with carbon copy to Mr. Mouli).
12. On March 30, 1998, Mr. Gonzalez sent an email (a copy of this email is attached hereto as Exhibit F) to outside counsel in preparation for outside counsel's visit to Micron to conduct an interview regarding the invention disclosure and preparation of the subject application.
13. Outside counsel corresponded with Mr. Gonzalez regarding preparation of the subject application in a telecopy communication dated April 23, 1998. (To preserve attorney-client privilege, a copy of this communication is NOT included in the present Declaration).
14. Mr. Gonzalez corresponded with outside counsel in a telecopy communication dated April 27, 1998 regarding preparation of the subject application. (To preserve attorney-client privilege, a copy of this communication is NOT included herewith).
15. Outside counsel sent a first draft patent application directed to the invention disclosure to Mr. Gonzalez (with carbon copy to Mr. Mouli) under cover of a letter dated June 8, 1998. (To preserve attorney-client privilege, a copy of this letter is NOT included herewith).
16. Outside counsel sent a second draft patent application directed to the invention disclosure to Mr. Gonzalez (with carbon copy to Mr. Mouli) under cover of a letter dated June 23, 1998. (To preserve attorney-client privilege, a copy of this letter is NOT included herewith).

17. Outside counsel sent a first ribbon copy of the patent application directed to the invention disclosure to Mr. Gonzalez (with carbon copy to Mr. Mouli) under cover of a letter dated July 10, 1998. (To preserve attorney-client privilege, a copy of this letter is NOT included herewith).
18. Outside counsel sent a second ribbon copy of the patent application directed to the invention disclosure to Mr. Gonzalez (with carbon copy to Mr. Mouli) under cover of a letter dated August 5, 1998. (To preserve attorney-client privilege, a copy of this letter is NOT included herewith).
19. On August 24, 1998, we executed a Declaration (a copy of this Declaration is attached hereto as Exhibit G) for the subject application and an Assignment of Invention ("Assignment") (a copy of this Assignment is attached hereto as Exhibit H).
20. Micron's legal department returned the executed Declaration and the executed Assignment to outside counsel under cover of a letter dated August 24, 1998 (a copy of this letter is attached hereto as Exhibit I).
21. In a telecopy communication dated September 1, 1998 (a copy of this communication is attached hereto as Exhibit J), outside counsel informed Micron's legal department that the subject application had been filed on September 1, 1998.

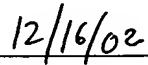
22. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Fernando Gonzalez



Chandra Mouli

Date



Date